

REMARKS/ARGUMENTS

As stated above, Applicants elect Species AI, i.e. an oxygenator comprising fibers twisted in the same direction, with claims 30-117 readable thereon and claims 30-38 specifically claiming the species, and respectfully traverse the requirement for restriction for the following reasons:

It is believed that any search for the species embodied in Species AI would necessarily include a search for the remaining species. Thus, the simultaneous search for all the species is believed not to constitute an unreasonable search for the Patent Examiner.

In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all the species. Also, the necessity of filing multiple patent applications in this case does not serve to promote the public interest because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public, due to the necessity of searching through a multiplicity of patent files

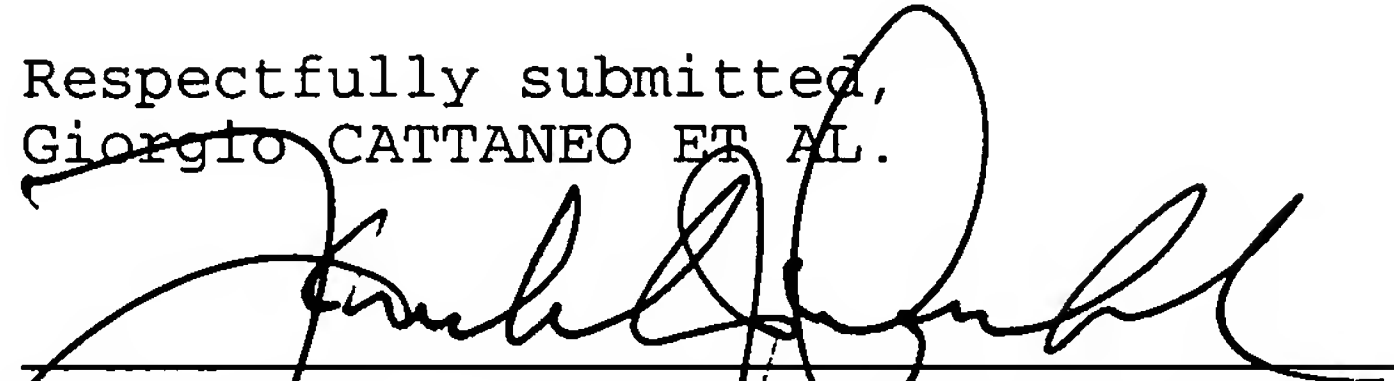
in several different patents that could otherwise be found in one issued patent only.

Applicants reserve the right to file divisional applications for the non-elected species.

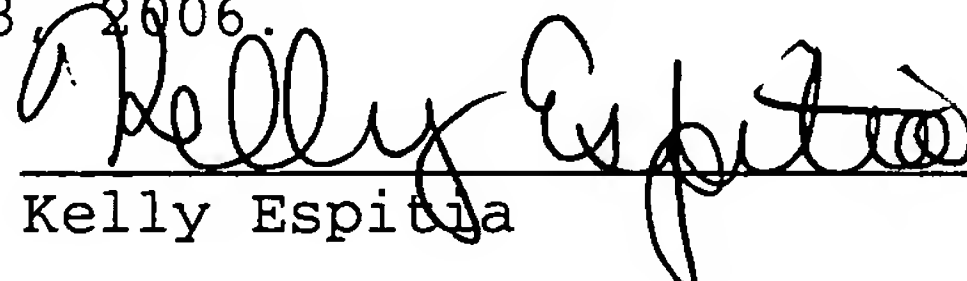
For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. 121 be withdrawn and that an action on the merits of all the claims be rendered.

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Respectfully submitted,
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 13, 2006.


Kelly Espitia